<u>REMARKS</u>

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

Applicant believes that the above changes answer the Examiner objection to and 35 U.S.C. 112, paragraph 2, rejection of the claims, and respectfully requests withdrawal thereof.

The Examiner has rejected claims 1-4, 8-10, 12-18, 22-25 and 27-29 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,754,696 to Kamath et al. The Examiner has further rejected claims 6, 11, 20 and 26 under 35 U.S.C. 103(a) as being unpatentable over Kamath et al. in view of Applicant's Admitted Prior Art (AAPA), i.e., paragraphs [0006]-[0007] of U.S. Patent Application Publication No. US 2002/0122116 A1 of the subject application. In addition, the Examiner has rejected claims 5, 7, 19 and 21 under 35 U.S.C. 103(a) as being unpatentable over Kamath et al. in view of U.S. Patent 6,757,705 to Pardikar et al.

The Kamath et al. patent discloses an extended file system in which a user of, for example, a pocket sized personal computer may connect to remote storage to provide an extended file system such as a virtual local drive.

The subject invention relates to a client system for rendering audio-visual signals in a human-perceptible form, e.g., sound signals from a loudspeaker for audio signals, and display

images for visual signals. To that end, the subject invention includes a local database containing such audio-visual signals and a network connection to remote databases also containing such audio-visual signals. In order to alleviate the burden of selecting the local or network input, the subject invention, as claimed in claim 1, includes "said step of selecting a selected input is performed in an automated manner based on at least one predetermined criterion".

The Examiner has indicated that Kamath et al. teaches each of the elements as set forth in claim 1 of the subject application.

As noted in MPEP § 2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant submits that Kamath et al. neither shows nor suggests "if said network input is selected as said selected input, receiving network signal data representing said audio-visual signals at said network input", "outputting at an output said audio-visual signals in a human-perceptible form", "and if said local input is selected as said selected input, selecting, from a local signal database, local signal data representing said audio-

visual signals", and "outputting, at said output, said audio-visual signals in a human-perceptible form".

The Examiner has indicated that these elements of the invention are taught by Kamath et al. at col. 12, lines 11-67 and col. 14, lines 1-10 (receiving network signal data representing said audio-visual signals); col. 2, lines 3-22 and col. 14, lines 1-10 (outputting said audio-visual signals in a human-perceptible form); col. 5, lines 39-57 and col. 13, lines 37-51 (selecting local signal data representing said audio-visual signals); and col. 5, lines 45-57, col. 12, lines 57-62, and col. 13, lines 5-67 (outputting said audio-visual signals in a human-perceptible form).

Applicant has studied the Kamath et al. patent, and particularly those areas noted by the Examiner, and believes that the Examiner is mistaken. In particular, cols. 12 and 14 of Kamath et al. do not even mention audio and/or video (or visual) signals, or that the network signal data represents such audio-visual signals. Further, col. 2, lines 3-22 and col. 14, lines 1-10 of Kamath et al. neither disclose nor suggest outputting audio-visual signals in a human-perceptible form. Similarly, col. 5, lines 39-57 and col. 13, lines 37-51 of Kamath et al., do not mention audio and/or video (or visual) signals, or that the local signal data represents such audio-visual signals. Finally, col. 5, lines 45-57, col. 12, lines 57-62, and col. 13, lines 5-67 of Kamath et al.

neither disclose nor suggest outputting these audio-visual signals in a human-perceptible form.

"Applicant Admitted Prior Art" consists of paragraphs [0006]-[0007] of the subject specification (2002/0122116 A1), which states:

> "In the prior art device selecting of audio signals to his liking is a difficult task for the user of the client system, because of the huge amount and variety of audio-data available on the network. Furthermore, the amount of locally stored music is limited, so a perceiver of this local input may perceive an audio-visual piece, like music, a multiple of times, which may be experienced as annoying by the user.
> "The user often has to pay for the audio signals stemming from the network input. The cost may for example be associated with the information represented by the audio signal, like the movie or piece of music, or with the connection itself, for example because the user has to pay for usage of the network, for example via a subscription fee. These expenses may easily exceed a maximum amount the user wanted to spent initially."

Applicant submits that contrary to the statement of the Examiner, AAPA neither discloses nor suggests "wherein at least one predetermined criterion (**on which the step of selecting selected input is performed in an automated manner is based**) is based on a parameter related to the costs of said network signal data". Rather, AAPA merely cites the problems that a user of the prior art device faces due to the "huge amount and variety of audio-data available on the network" and that, typically, obtaining audio signals from the network incur costs which may easily exceed a user's desired maximum amount.

The Pardikar et al. patent discloses a method and system for client-side caching in which the benefits of caching is described as allowing enabling off-line computing while still retaining data on a server system. The only portion of Pardikar et al. which relates to the subject matter of claim 5, i.e., "wherein said predetermined relation is a ratio of the amount of transmitted local signal data and the amount of transmitted network signal data", is col. 9, lines 55-65, which states:

> "The cached file table 84 also includes the length of the file in the cache and the length of the file in the server. This is used by the background thread 83 to check for sparse files, i.e., when the file lengths are the same, the file is complete and may be displayed and otherwise accessed by the user while working offline, otherwise the file is sparse and still needs to be filled. Sparse files are hidden from the user while the user is working offline. The record for each file also includes the caching policy, described above, and an indicator bit as to whether the file is pinned, so that the quota mechanism operates correctly."
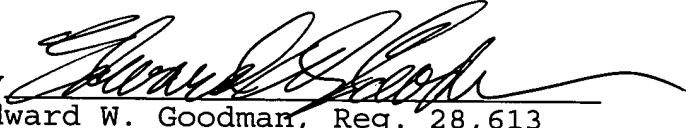
Applicant submits that it should be clear from the above passage that Pardikar et al. is merely comparing the size of a file in cache with the same file in the server to determine whether the server/cached file needs to be updated. Hence, there is selecting of an input based on the ratio of the amount of transmitted local data and the amount of transmitted network data.

In view of the above, Applicant believes that the subject invention, as claimed, is neither anticipated nor rendered obvious

by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicant believes that this application, containing claims 1-29, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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On _November 03, 2005_

By _Burnett James_ (signature)